

NCLR

NATIONAL COUNCIL OF LA RAZA

Raul Yzaguirre, President

September 1, 1999

Ms. Magalie Roman Salas, Esq.
Secretary
Federal Communications Commission
445 12th Street, S.W.
Room TWB-204
Washington, D.C. 20554

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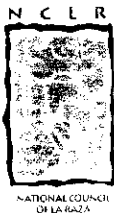
REF: MM Docket No. 99-25

Dear Ms. Salas:

I write on behalf of the National Council of La Raza (NCLR) to provide our views on the Commission's proposal on Creation of a Low Power Radio Service. NCLR is the nation's largest Hispanic organization, representing more than 230 local affiliates – community-based nonprofit organizations who together provide advocacy, education, housing, health, and other social services to more than three million Latinos each year. NCLR provides capacity-building assistance to its affiliates, and also serves as a voice for the Hispanic community in public policy debates.

NCLR does not claim extensive expertise on the broad range of technical and procedural issues raised by the proposed rule. However, after consultations with a number of our affiliates, and a brief review of several critical issues raised by the proposed rule, as a general matter, NCLR supports the establishment of a Low Power FM (LPFM) service. We therefore commend the Commission on its proposal, and for initiating this proceeding. Furthermore, we endorse in principle the comments submitted by the Minority Media and Telecommunications Council pursuant to this proceeding. However, NCLR believes that LPFM can best achieve the goals set forth by the Commission only to the extent that the final rule includes several provisions of great importance to the Hispanic community, as described below.

First, we believe that the new LPFM resource should be limited to bona fide nonprofit organizations whose principal broadcasting purpose would be noncommercial programming. Based on conversations with our affiliates, we believe that the greatest unmet need in this area has to do with providing important civic and educational information that is currently not widely available to under-served communities through commercial and public broadcasting mediums. Thus, for example, we believe that



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programming that explains immigration, naturalization, and voter registration procedures to new immigrants, provides dietary and lifestyle advice in promoting health, or that helps first-time homebuyers navigate the mortgage lending process is greatly needed. While it is true that some commercial and public broadcasters have public affairs programs which touch on these topics, they tend to be irregular and sporadic. In addition, they rarely address the subjects in great depth or in accessible formats, and typically fail to integrate or connect the information provided with services available in the community.

Second, we believe that LPFM licenses should be accessible to local community-based organizations. We have no quarrel with other bona fide nonprofit organizations, e.g., charities and educational institutions, being eligible for license distribution through a special high priority, first-come, first-served window, as some commenters have suggested. However, it is vital that community-based groups with a successful track record of providing services to identifiable local communities should also receive priority consideration. We note that in a somewhat analogous context, the California Public Utilities Commission's Universal Lifeline Telephone Service Marketing Board has determined that the most effective mechanism for reaching under-served ethnic minorities in that state is through subcontracting with community-based organizations. In the context of the current proceeding, there is no legitimate public interest benefit in excluding such organizations from priority access to LPFM licenses. In this connection, we would oppose the use of auctions in this situation. The results of recent auctions, in which few minorities were successful in procuring broadcast licenses, suggests that alternative mechanisms such as a special priority window would more effectively serve the public interest.

Third, we believe that it is possible to carefully craft rules that maximize access of networks of community-based organizations and other nonprofit institutions without creating other problems. For example, many NCLR affiliates or other community-based organizations alone are unlikely to be able to obtain the capital to create, or the programming to support, a viable LPFM station. However, it may be possible for several NCLR affiliates to work together with us to fashion a "network" of independently owned but related stations. It is conceivable that this might involve some minority NCLR interest in each station in the network. Thus, we would oppose rigid, "one license-one station" or inflexible ownership cap provisions that some commenters have suggested. Instead, we believe that the final rule can and should permit the type of network that we describe, provided that the controlling interest in the local license is held by a local organization.


Fourth, we agree with commenters who have noted that the current language in Appendix E, which would unnecessarily preclude individuals with any attributable interests in full power broadcast facilities from having any ownership interests in LPFM stations, is unnecessarily restrictive. While we understand the intent of the provision, it could be interpreted to prevent any individual with an attributable interest in a full power station from even serving on the Board of Directors of an LPFM station or its parent nonprofit organization. We believe that a more flexible rule, analogous to the Commission's

current alien ownership rules, would fully protect the public interest, particularly since existing law governing nonprofit organizations in most states contain strict conflict-of-interest rules.

Finally, we agree with the Commission's proposal that 1,000-Watt Primary Service be authorized. As other commenters have noted, an LP 100 station is simply incapable of serving Latino communities in many cities, which frequently are geographically dispersed. While we claim no expertise in the issue, we understand that current in-band-on-channel technology would protect existing broadcasters from excessive interference.

Thank you for the opportunity to present our views. We stand ready to work with the Commissioners and staff to answer any questions, or to discuss these issues further.

Sincerely,

A handwritten signature in black ink, appearing to read 'Raul Yzaguirre', with a long horizontal flourish extending to the right.

Raul Yzaguirre
President